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Attorneys for Defendants
PALISADES CHARTER HIGH SCHOOL and
AMY NGUYEN

FILED
Superior Court of California
County of Los Angeles

JUL 24 2018

Sherri R. Cariti, Executive Officer, Clerk of Court
By Judi Lara, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

ROYA SAGHAFI, an individual,

Plaintiff,

vs.

PALISADES CHARTER HIGH SCHOOL, a
corporation; AMY NGUYEN, an individual; and
DOES 1 through 10,

Defendants.

Case No.: BC708497

[Assigned for all purposes to Hon. Ruth Ann
Kwan, Dept. 72]

**DEFENDANT AMY NGUYEN'S ANSWER
TO PLAINTIFF'S COMPLAINT**

Complaint filed: June 1, 2018

Defendant AMY NGUYEN ("Defendant") hereby responds to the Complaint for Damages
("Complaint") filed by ROYA SAGHAFI ("Plaintiff") and admits, denies and otherwise pleads as
follows:

GENERAL DENIAL

Pursuant to the California Code of Civil Procedure section 431.30(d), Defendant denies generally
and specifically each and every allegation contained in the Complaint and denies that Plaintiff has
suffered any injury or been damaged in any sum whatsoever.

AFFIRMATIVE DEFENSES

As separate and distinct affirmative defenses to Plaintiff's Complaint and the causes of action
alleged therein, and to each of them, Defendant alleges as follows:

ORIGINAL

CIT/CASE: BC708497
LEA/DEF#:

RECEIPT #: CCH520872088

DATE PAID: 07/24/18 12:09 PM

PAYMENT: \$435.00 310

RECEIVED:

CHECK: \$435.00

CASH: \$0.00

CHANGE: \$0.00

CARD: \$0.00

1 **FIRST AFFIRMATIVE DEFENSE**

2 **(Failure to State a Cause of Action)**

3 1. Plaintiff's Complaint as a whole, and each purported cause of action alleged therein, fails
4 to state facts sufficient to constitute a cause of action against Defendant upon which relief may be
5 granted.

6 **SECOND AFFIRMATIVE DEFENSE**

7 **(Workers' Compensation Preemption)**

8 2. To the extent Plaintiff's Complaint, or any purported cause of action therein, alleges
9 emotional or physical injury, this Court lacks jurisdiction, and any recovery is barred by the exclusivity
10 of remedy under the California Workers' Compensation Act, Labor Code section 3200, *et seq.*

11 **THIRD AFFIRMATIVE DEFENSE**

12 **(Statutes of Limitation)**

13 3. Any recovery on Plaintiff's Complaint is barred by the applicable statutes of limitation.

14 **FOURTH AFFIRMATIVE DEFENSE**

15 **(Managerial Immunity)**

16 4. Any injuries Plaintiff allegedly sustained as a result of any action by a management
17 employee of Defendant are barred by the doctrine of managerial immunity.

18 **FIFTH AFFIRMATIVE DEFENSE**

19 **(Privileged, Good Faith & Justified Conduct)**

20 5. Any recovery on Plaintiff's Complaint is barred because Defendant's conduct was
21 privileged and/or justified under California law and for valid business reasons.

22 **SIXTH AFFIRMATIVE DEFENSE**

23 **(Equitable Doctrines)**

24 6. Any recovery on Plaintiff's Complaint, or any purported cause of action alleged therein,
25 is barred under the equitable doctrines of consent, waiver, estoppel and unclean hands.

26 **SEVENTH AFFIRMATIVE DEFENSE**

27 **(Laches)**

28 7. Any recovery on Plaintiff's Complaint, or any purported cause of action alleged therein,
29

1 is barred in that Plaintiff was guilty of laches and unreasonable delay in bringing this action and in
2 asserting any claim for relief against Defendant.

3 **EIGHTH AFFIRMATIVE DEFENSE**

4 **(Failure to Mitigate Damages)**

5 8. Plaintiff is barred from recovering any damages, or any recovery must be reduced, by
6 virtue of Plaintiff's failure to exercise reasonable diligence to mitigate her alleged damages.

7 **NINTH AFFIRMATIVE DEFENSE**

8 **(No Punitive Damages)**

9 9. Plaintiff's claims for exemplary and punitive damages are barred in that Plaintiff has
10 failed to raise sufficient allegations of malice, oppression or fraud and has failed to raise sufficient
11 allegations to comply with the requirements of California Civil Code section 3294.

12 **TENTH AFFIRMATIVE DEFENSE**

13 **(Privileged Statements)**

14 10. Any recovery on Plaintiff's defamation claim is barred on the grounds that any
15 statements regarding Plaintiff made by Defendant, their agents and/or employees are privileged under
16 California law, including but not limited to Civil Code Section 47.

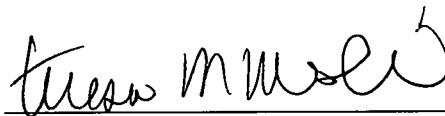
17 WHEREFORE, Defendant pray for judgment as follows:

- 18 1. That Plaintiff take nothing herein;
19 2. For all awardable attorneys fees and costs of suit herein; and
20 3. For such other and further relief as the Court may deem just and proper.

21
22 DATED: July 24, 2018

JACKSON LEWIS P.C.

23
24
25 By:



Theresa M. Marchlewski
Ellen E. Cohen

Attorneys for Defendants
PALISADES CHARTER HIGH SCHOOL and
AMY NGUYEN

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 CASE NAME: ROYA SAGHAFI v. PALISADES CHARTER HIGH SCHOOL, et al.

4 CASE NUMBER: BC708497

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
6 not a party to the within action; my business address is 725 South Figueroa Street, Suite 2500, Los Angeles, California 90017.

7 On July 24, 2018, I served the documents described as:

8 **DEFENDANT AMY NGUYEN'S ANSWER TO PLAINTIFF'S COMPLAINT**

9 in this action by transmitting a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

10 Ann A. Hull, Esq.
11 Hannah J. Robinson, Esq.
12 LAW OFFICES OF ANN A. HULL, INC.
13 21900 Burbank Blvd., Third Floor
14 Woodland Hills, CA 91367
15 Tel: 818-606-6618
16 Fax: 818-322-1321

17 Attorneys for Plaintiff
18 ROYA SAGHAFI

19 **[X] BY MAIL**

20 ☐ I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed
21 with postage thereon fully prepaid.

22 ☒ As follows: I am "readily familiar" with the firm's practice of collection and processing
23 correspondence for mailing. Under that practice, it would be deposited with U.S. postal service on that
24 same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of
25 business. I am aware that on motion of the party served, service is presumed invalid if postal
26 cancellation date or postage meter date is more than one day after date of deposit for mailing in
27 affidavit.

28 **[XX] STATE** I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

Executed on July 24, 2018, at Los Angeles, California.

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